IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7577 OF 2004

M/s.Cole Paints and
Contracts Pvt. Ltd. .. Petitioners.
Vs.
The Life Insurance
Corporation of India .. Respondents.

Mr.A.A.Kumbhakoni for the petitioners.
Ms.Snehal Paranjape with Ms.Mayura for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 22ND DECEMBER, 2004

P.C.:

. Heard learned counsel for the parties.

2. This petition can be conveniently disposed of in view of the fact that it challenges the concurrent findings recorded by the courts below on the point of jurisdiction holding that the court has jurisdiction to deal with the suit and decide it on merits. I am informed that evidence in the suit has already been closed and arguments have also been heard and the suit is now kept on 11.1.2005 for judgment. Keeping that in view, in my opinion, the appropriate course would be to allow the petitioners to raise issue of

jurisdiction in substantive appeal, if the suit is decreed against them. Order accordingly. If such issue is raised in appeal it may be considered on merits in accordance with law. All contentions of the parties on merits are left open.

. The writ petition is disposed of.

(D.B.Bhosale, J.)